



PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/603,794	
	Filing Date	June 25, 2003	
	First Named Inventor	Syed F.A. Hossainy	
	Art Unit	1762	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	8	Attorney Docket Number	50623.221

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page) (in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Mail Label No. EV 339063733 US <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> Preliminary Amendment (3 pages) <input checked="" type="checkbox"/> Petition To Accept An Unintentionally Delayed Claim Of Priority Under 35 U.S.C. §120 (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Paul J. Meyer, Jr., Reg. No. 47,791
Signature	
Date	May 3, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Rebecca M. Klits		
Signature		Date	May 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,330.00

Complete if Known

Application Number	10/603,794
Filing Date	June 25, 2003
First Named Inventor	Syed F.A. Hossainy
Examiner Name	Unassigned
Art Unit	1762
Attorney Docket No.	50623.221

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order
☒ Deposit Account:Deposit
Account
Number

07-1850

Deposit
Account
Name

Squire, Sanders & Dempsey L.L.P.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	205	Extension for reply within second month	
1253	950	2253	465	Extension for reply within third month	
1254	1,480	2254	725	Extension for reply within fourth month	
1255	2,010	2255	985	Extension for reply within fifth month	
1401	330	2401	160	Notice of Appeal	
1402	330	2402	160	Filing a brief in support of an appeal	
1403	290	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,330	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Surcharge Under 1.17(t)

1,330

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1,330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Paul J. Meyer, Jr.	Registration No. Attorney/Agent)	47,791	Telephone	(415) 954-0200
Signature				Date	May 3, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re Application of:

Syed F.A. Hossainy et al.

Examiner: Unknown

Serial No: 10/603,794

Art Unit: 1762

Filed: June 25, 2003

For: THERMAL TREATMENT OF A DRUG
ELUTING IMPLANTABLE MEDICAL
DEVICE

Commissioner for Patents
USPTO
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY
DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. § 120**

Dear Sir/Madam:

Pursuant to 37 CFR § 1.78 (a)(3), Applicants hereby request the Commissioner to accept an unintentionally delayed claim to domestic priority under 35 U.S.C. § 120, and accord the subject patent application an effective filing date of September 3, 1999. In addition, issuance of a corrected filing receipt is respectfully requested.

According to 37 CFR § 1.78(a)(3), a petition to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed application must be accompanied by: (1) the reference to the prior-filed application required by 35 U.S.C. 120 and 37 CFR § 1.78(a)(2); (2) the surcharge set forth in 37 CFR § 1.17(t); and (3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

05/07/2004 AWONDAF1 00000051 071850 10603794

01 FC:1454 1330.00 DA

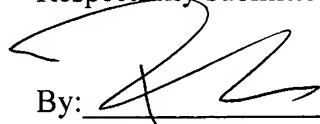
The undersigned hereby submits that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the filing date of this claim was unintentional. This Petition also includes: (1) the reference to the prior-filed application as required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2) as indicated in the enclosed Preliminary Amendment; and (2) the surcharge set forth in 37 CFR § 1.17(t).

To the extent that the fee payment is insufficient, the Office is hereby authorized to charge any additional fee required under 37 C.F.R. § 1.17, or credit any overpayment of same, to Deposit Account No. 07-1850.

Date: May 3, 2004

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111-3492
Telephone (415) 954-0345
Facsimile (415) 393-9887

Respectfully submitted,

By: 
Paul J. Meyer, Jr.
Attorney for Applicants
Reg. No. 47,791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hossainy et al.	Examiner: Not assigned
Serial No.: 10/603,794	Art Unit: 1762
Filed: June 25, 2003	Attorney's Docket Number: 50623.221
Title: Thermal Treatment of a Drug Eluting Implantable Medical Device	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Preliminary Amendment

Dear Examiner:

Please amend the application as indicated herein before examination of the application on the merits.

In the Specification

Please amend the paragraph of the application starting on Page 1, line 15:


This application is a continuation-in-part of application serial number 10/108,004, which was filed on March 27, 2002[[:]]. This application is also a continuation-in-part of application serial number 10/304,360, filed on November 25, 2002, which is a divisional application of U.S. Patent Number 6,503,556 filed on December 28, 2000;and. This application is also a continuation-in-part of application serial number 09/750,595, filed December 28, 2000 which is a continuation-in-part of U.S. patent application serial number 09/470,559 filed on December 23, 1999, which is a continuation-in-part of U.S. Patent Number 6,287,638 filed on September 3, 1999 and U.S. Patent Number 6,379,381 filed on September 3, 1999. U.S. patent application serial number 09/750,595 is also a continuation-in-part of U.S. patent application serial number 09/715,510 filed on November 17, 2000, which is a continuation-in-part of U.S. patent application serial number 09/540,241 filed on March 31, 2000 (now abandoned).

Applicants respectfully request the Examiner to acknowledge Applicants' claim for domestic priority as set forth above. If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned.

Date: 5/3/04

Squire, Sanders & Dempsey L.L.P.
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Respectfully submitted,



Paul J. Meyer, Jr.
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Reg. No. 47,791